

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

In re: David P Rocek aka David P. Rocek, Sr
Debtor(s)

and

Deborah J Rocek

Codebtor(s)

Nationstar Mortgage LLC d/b/a Mr. Cooper, or its
Successor or Assignee

Movant

vs.

David P Rocek aka David P. Rocek, Sr

Deborah J Rocek

Charles J DeHart, III (Trustee)

Respondent(s)

Chapter 13

Bankruptcy No. 18-01479-HWV

MOTION FOR RELIEF FROM AUTOMATIC STAY

Movant: Nationstar Mortgage LLC d/b/a Mr. Cooper, or its Successor or Assignee

Mortgage dated September 20, 2002 and recorded on September 24, 2002 in the Office of the Recorder of Dauphin County in Mortgage Book 4544 Page 261.

Assignment of Mortgage dated December 30, 2008 and recorded on March 5, 2009 in the Office of the Recorder of Dauphin County, Pennsylvania in Instrument Number: 20090006499.

Corrective Assignment of Mortgage dated December 30, 2008 and recorded on June 29, 2009 in the Office of the Recorder of Dauphin County, Pennsylvania in Instrument Number: 20090021027.

Assignment of Mortgage dated October 26, 2012 and recorded on November 6, 2012 in the Office of the Recorder of Dauphin County, Pennsylvania in Instrument Number: 20120032843.

Corrective Assignment of Mortgage dated December 1, 2017 and recorded December 8, 2017 in the Office of the Recorder of Dauphin County, Pennsylvania in Instrument Number 20170032122.

Assignment of Mortgage dated April 24, 2019 and recorded on April 26, 2019 in the Office of the Recorder of Dauphin County, Pennsylvania in Instrument Number 20190009313.

Loan Modification Agreement dated December 17, 2009.

Loan Modification Agreement dated September 26, 2014.

1. Nationstar Mortgage LLC d/b/a Mr. Cooper, or its Successor or Assignee (hereinafter "Movant") holds a claim secured by a duly recorded Mortgage on property of David P Rocek aka David P. Rocek, Sr and Deborah J Rocek , or of the bankruptcy estate located at: 28 Rosewood Dr, Harrisburg, Pennsylvania 17109.

2. David P Rocek aka David P. Rocek, Sr (hereinafter "Debtor") filed a Petition under Chapter 13 on April 10, 2018.

3. Deborah J Rocek is liable on the debt described herein below and is a Codebtor (hereinafter "Codebtor") within the meaning of 11 U.S.C. Section 1301. Codebtor received consideration for the claim held by Movant.

4. As of September 11, 2019, the principal balance on the Mortgage is \$76,358.30, plus interest to the date of payment and reimbursement of all reasonable fees and costs incurred to date of payment.

5. Movant's lien is a first priority lien against the Property.

6. On September 26, 2014, Debtor and Movant entered into a loan modification. Per the terms of the Loan Modification the unpaid principal balance as of September 26, 2014 was \$108,423.46. The loan Modification set a fixed interest rate of 2.00% and a new Maturity Date of September 1, 2054.

7. As of September 11, 2019, Movant holds an approximate payoff at \$107,760.33. Additionally, there are other liens held on the property in the amount of \$41,482.92.

8. Movant had sent Ten Day letter prior to the filing of the current bankruptcy petition.

9. At the present time, the Mortgage requires payments each month of

\$522.40.

10. Debtor and Co-Debtor has failed to make all of the monthly post-petition mortgage payments as required and the account is currently due 2 months post-petition. The payments can be broken down as follows:

- Two (2) delinquent payments at \$522.40 each for August 2019 through September 2019.

11. Since September 11, 2019, Movant has incurred attorney's fees in the amount of \$850.00, and costs in the amount of \$150.00 in connection with this Motion.

12. Movant does not have and has not been offered adequate protection for its interest in the said premises and may be required to pay expenses for the said premises in order to preserve its lien, which is the obligation of the Debtor and Co-Debtor under the said Mortgage.

WHEREFORE, Movant prays for an order modifying the automatic stay of Bankruptcy Code §362(a) and 1301 to permit Movant to foreclose its Mortgage and to exercise any other rights it has under the Mortgage or with respect to the mortgaged property.

/s/ Ann E. Swartz

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